

FAX COVER SHEET**DATE:** 3/12/2004**TO:** **US PATENT OFFICE**
ATTN: Examiner Merrick L. Dixon**Fax:** 571-273-1520**FROM:** Debbie Stengel
Maine & Asmus**PHONE:** 603-886-6100
FAX: 603-886-4796

In re Application of: HOWLAND, Charles

Group Art Unit: 1774

Serial No. 10/021,851

Examiner: DIXON, Merrick L.

Filed: 12/13/2001

Dkt No: WM12-US

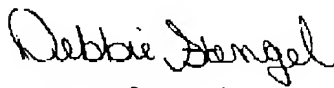
For: WEARABLE PROTECTIVE SYSTEM HAVING PROTECTIVE ELEMENTS

Dear Examiner Dixon,

Per your recent request please find attached a copy of your last Office Action, dated July 8, 2003, issued for the above cited patent application. Our response to the Office Action was filed, via fax, on October 8, 2003, then resubmitted twice thereafter on November 14, 2003 and December 18, 2003 at your request.

Please let us know if you have any questions or need any additional material.

Thank you,



Debbie Stengel

NOTICE! The information contained in this fax communication, is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. Unauthorized use, disclosure, transmission, duplication, or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify us at (603) 886-6100, and destroy the material. Thank you for your cooperation.

Number of pages including cover sheet: 9



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,851	12/13/2001	Charles Howland	WM12-US	3786

24222 7590 07/08/2003

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 NASHUA, NH 03061-3445

EXAMINER

DIXON, MERRICK L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

CLIENT: Worwick
 JOB# WM12 US
 RCVD: 7/10/03
 RSPBY: 10/8/03
 RCVD BY: DEC
 FSUM: ✓
 CAL: ✓
 DKT: ✓
 NOTICE: ✓
 T/S ✓


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY CHECKBOX NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

 This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS
OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

 A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).
Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 15, 16, 17, 18 - 20 is/are allowed.
- ☒ Claim(s) 1, 2, 6-11, 14, 4, 5, 3 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s), 2
- ☐ Interview Summary, PTO-413

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The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1774

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1,3,6,7,8,10,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harpell(5196252) alone .

The cited reference substantially teaches the basic claimed invention including a protective covering system comprising matrix layers and protective elements therein in a uniform pattern- col 16, lines 9-57; col 6, lines 11-50; col 13, lines 55-62. See abstract. Concerning claims 3,6,7,8,10,12 and 13, the cited reference teaches the claimed limitations in col 4, lines 17-60; col 13, lines 1-14; col 6, lines 36-51.

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Claims 2,4,5,6,7,11,14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 15-20 are allowed.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harpell et al (5198280); Harper a(5362527); Harpell et al(5198280); Chiou(6534426); Donovan(4574105) and Barkman et al(4090011) are cited of interest for their respective teachings and to show the state of the art.

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Crystal Plaza Three Fax Center

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A facsimile center has been established in Crystal Plaza 3. The hours of operations are Mondays through Friday, 8:45 to 4:45 PM. This new location should be used in all instances when faxing any correspondence to Group 1700. The Patent Examining Fax Center new telecopier numbers are (703) 305-3599 for all After Finals and 703-305-5408 for all others. Use of the new Crystal Plaza 3 center will facilitate rapid delivery of materials to the group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **New!** Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can now do so by using the Examiner Dixon's personal fax number at 703-872-9514. **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal. Same facsimiles will not be entered in the related applications unless otherwise noted by the examiner.**

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)308-0661.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at
703-308-0013, Mondays to Thursdays, between 12 noon and 8 PM, eastern time .



Merrick Dixon

Primary Examiner

Group 1700

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Form PTO-1449				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	
				Filing Date	HEREIN
				First Named Inventor	HOWLAND, Charles
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	WM12-US

J1046 U.S. PRO
10/02/05
12/13/01

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Document Number Code	Kind	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
MD		5,254,383		Harpell et al	10-19-1993	
MD		5,198,280		Harpell et al	03-30-1993	
MD		5,196,252		Harpell	03-23-1993	
MD		5,185,195		Harpell et al	02-09-1993	

FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Foreign Patent Document Office Code	Number	Kind	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	(Including Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc...), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	T

Examiner Signature	<i>MD</i>	Date Considered	6/03
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* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

FORM PTO-092 (REV. 2-92)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 101021511	GROUP/PART UNIT	ATTACHMENT TO PAPER NUMBER	7	
NOTICE OF REFERENCES CITED				APPLICANT(S)				
U.S. PATENT DOCUMENTS								
*	DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE		
A	4091001	15-1978	Bearman et al	428	652			
B	4374105	3-1986	Dunovan	428	233			
C	534426	3-2003	Chion	428	203			
D	5198280	3-1992	Napoli et al	428	102			
E	5362527	1-1991	Napoli et al	428	33			
F	5196252	3-1992	Napoli	428	102			
G	5198280	3-1993	Napoli et al	428	102			
H								
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FOREIGN PATENT DOCUMENTS								
*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS. DWS.	PP. SPEC.
L								
M								
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Q								
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)								
R								
S								
T								
U								
EXAMINER <i>M. Dye</i>		DATE <i>1/02</i>						

* A copy of this reference is not being furnished with this office action.